

No. 23-2040

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

SONOS, INC.,

Appellant,

v.

GOOGLE LLC,

Appellee.

**SONOS'S UNOPPOSED MOTION FOR
EXTENSION OF TIME TO FILE OPENING BRIEF**

Pursuant to Federal Rule of Appellate Procedure 26(b) and Federal Circuit Rule 26(b), Appellant Sonos, Inc. respectfully requests an extension of 30 days to file their opening brief, to and including October 30, 2023. This is Appellant's first request for an extension of time in this matter. Appellant's request is unopposed.

In support of this motion, Appellant states the following:

1. Appellant's opening brief is currently due September 29, 2023. A 30-day extension would cause Appellant's opening brief to be due October 30, 2023.

2. This motion is being filed at least seven calendar days before the original due date for the brief. *See* Fed. Cir. R. 26(b)(1).

3. The undersigned counsel is working closely with counsel representing Sonos before the agency to prepare the opening brief, and requires additional time to review the record and complete coordination of the drafting process.

4. Additionally, this extension is made necessary by the press of other matters. Among ongoing obligations in multiple matters, counsel have ongoing preparation responsibilities for oral argument in *Sonos, Inc. v. International Trade Commission*, No. 22-1421 (Fed. Cir.), *Sonos, Inc. v. Google LLC*, 22-1573 (Fed. Cir.), *Freund v. McDonough*, No. 23-1387 (Fed. Cir.), a response brief in *Pearson v. Gessner*, No. 22-1227 (2d Cir.), due October 25, and a response brief in *Gesture Technology Partners, LLC v. Apple Inc.*, 23-1463 (Fed. Cir.), due October 27.

5. This is Appellant's first request for an extension of the deadline to file its opening brief.

6. Counsel for Appellee have indicated that they do not oppose Appellant's request.

7. For the foregoing reasons, Appellant respectfully requests that the Court grant their unopposed motion for a 30-day extension to file their opening brief, to and including October 30, 2023.

Date: September 14, 2023

Respectfully submitted,

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FORM 9. Certificate of Interest

Form 9 (p. 1)
March 2023

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

CERTIFICATE OF INTEREST

Case Number 23-2040

Short Case Caption Sonos, Inc. v. Google LLC

Filing Party/Entity Sonos, Inc.

Instructions:

1. Complete each section of the form and select none or N/A if appropriate.
2. Please enter only one item per box; attach additional pages as needed, and check the box to indicate such pages are attached.
3. In answering Sections 2 and 3, be specific as to which represented entities the answers apply; lack of specificity may result in non-compliance.
4. Please do not duplicate entries within Section 5.
5. Counsel must file an amended Certificate of Interest within seven days after any information on this form changes. Fed. Cir. R. 47.4(c).

I certify the following information and any attached sheets are accurate and complete to the best of my knowledge.

Date: 09/14/2023

Signature: /s/ Mark S. Davies

Name: Mark S. Davies

FORM 9. Certificate of Interest

Form 9 (p. 2)
March 2023

1. Represented Entities. Fed. Cir. R. 47.4(a)(1).	2. Real Party in Interest. Fed. Cir. R. 47.4(a)(2).	3. Parent Corporations and Stockholders. Fed. Cir. R. 47.4(a)(3).
Provide the full names of all entities represented by undersigned counsel in this case.	Provide the full names of all real parties in interest for the entities. Do not list the real parties if they are the same as the entities. <input type="checkbox"/> None/Not Applicable	Provide the full names of all parent corporations for the entities and all publicly held companies that own 10% or more stock in the entities. <input checked="" type="checkbox"/> None/Not Applicable
Sonos, Inc.	Sonos, Inc.	

☐ Additional pages attached

FORM 9. Certificate of Interest

Form 9 (p. 3)
March 2023

4. Legal Representatives. List all law firms, partners, and associates that (a) appeared for the entities in the originating court or agency or (b) are expected to appear in this court for the entities. Do not include those who have already entered an appearance in this court. Fed. Cir. R. 47.4(a)(4).

☐ None/Not Applicable

☐ Additional pages attached

Michael Boyea, Esq.	John Dan Smith, Esq.	David Grosby, Esq.
Jeffrey Armstrong, Esq.	Akerman LLP	

5. Related Cases. Other than the originating case(s) for this case, are there related or prior cases that meet the criteria under Fed. Cir. R. 47.5(a)?

☒ Yes (file separate notice; see below)

☐ No

☐ N/A (amicus/movant)

If yes, concurrently file a separate Notice of Related Case Information that complies with Fed. Cir. R. 47.5(b). **Please do not duplicate information.** This separate Notice must only be filed with the first Certificate of Interest or, subsequently, if information changes during the pendency of the appeal. Fed. Cir. R. 47.5(b).

6. Organizational Victims and Bankruptcy Cases. Provide any information required under Fed. R. App. P. 26.1(b) (organizational victims in criminal cases) and 26.1(c) (bankruptcy case debtors and trustees). Fed. Cir. R. 47.4(a)(6).

☒ None/Not Applicable

☐ Additional pages attached

DECLARATION

Pursuant to 28 U.S.C. § 1746 and Federal Circuit Rule 26(b)(3), I declare under penalty of perjury that the statements in the foregoing Motion are true and correct.

Executed on September 14, 2023 Respectfully submitted,
in Washington, DC

/s/ Mark S. Davies

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Counsel for Appellant

CERTIFICATE OF COMPLIANCE

I hereby certify that this motion complies with the type-volume limitation of Federal Rule of Appellate Procedure 27(d)(2)(A). The motion is printed in Century Schoolbook 14-point font, and it contains 287 words, excluding the items listed in Federal Rule of Appellate Procedure 27(a)(2)(B).

ORRICK, HERRINGTON & SUTCLIFFE LLP

/s/ *Mark S. Davies*

Mark S. Davies

Counsel for Appellant